

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AARON ABADI,

Plaintiff,

-against-

THE UNITED STATES OF AMERICA, et al.,

Defendants.

23-CV-7413 (JGLC)

ORDER AND OPINION

JESSICA G. L. CLARKE, United States District Judge:

Before this Court is Plaintiff Aaron Abadi's motion for a stay of this matter pending the outcome of Plaintiff's interlocutory appeal. ECF No. 13. Generally, "a dismissal with leave to amend is a non-final order and not appealable." *Slayton v. Am. Exp. Co.*, 460 F.3d 215, 224 (2d Cir. 2006). "However, [the Second Circuit] will treat a premature appeal from a judgment granting leave to amend as an appeal from a final judgment if the deadline for amendment has passed." *Whitfield v. Johnson*, 763 F. App'x 106, 107 (2d Cir. 2019) (internal citations and quotation omitted). Plaintiff's deadline to amend his Complaint was November 8, 2024. *See* ECF No. 8. Plaintiff has not filed an Amended Complaint. Accordingly, this action is STAYED until such time as the Second Circuit resolves Plaintiff's interlocutory appeal. The Clerk of Court is directed to terminate ECF No. 13 and designate this case as stayed pending further order of this Court.

Dated: November 14, 2024
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge